

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 August 2021

Public Authority: Herschel Grammar School
Address: Northampton Avenue
Slough
Berkshire
SL1 3BW

Decision (including any steps ordered)

1. The complainant requested information from the Herschel Grammar School ("the School") about raw 11+ test marks. By the date of this notice the School had failed to provide a substantive response to this request.
2. The Commissioner's decision is that the School has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the School to take the following steps to ensure compliance with the legislation.
 - Respond to the complainant's request in accordance with the FOIA.
4. The School must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 8 April 2021, the complainant wrote to the School via the WhatDoTheyKnow website and requested information in the following terms:

"Please disclose any correspondence from CEM over the last three calendar months (8 Jan to 8 April 2021) which discusses whether raw 11+ test marks should be disclosed under the Freedom of Information Act. Any personal information (eg names or email addresses) relating to the school's employees or solicitors acting for CEM may be redacted. If any correspondence mentions me personally, I authorise its disclosure into the public domain. Please do not redact the names of any officials at CEM who have written or authorised this correspondence or the name of any legal practice."

6. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 10 June 2021 to complain about the failure by the School to respond to his request.
8. The Commissioner has considered whether the School has complied with its obligations in relation to the time for compliance at section 10 (1) of the FOIA.

Reasons for decision

9. Section 1(1) of the FOIA states that:

Any person making a request for information to a public authority is entitled –
(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
(b) if that is the case, to have that information communicated to him.

10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt."
11. On 2 July 2021, the Commissioner wrote to the School, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.

12. Despite this intervention the School has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that the School did not deal with the request for information in accordance with the FOIA. The Commissioner finds that School has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

Right of appeal

14. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Susan Duffy
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF